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October 11, 2004

FMCSA Administrator Annette M. Sandberg  
c/o Docket Management Facility  
U.S. Department of Transportation  
400 Seventh Street, SW., Room PL-401,  
Washington, DC 20590-0001

Re: Docket No. FMCSA-2004-18898 - 17  
Comprehensive Safety Analysis 2010 Initiative

Dear Administrator Sandberg:

The FMCSA registered carrier and intermediary subsidiaries of Landstar System, Inc. (referred to here as "Landstar") welcome the opportunity to offer the following preliminary comments on FMCSA's "Comprehensive Safety Analysis 2010 Initiative" announced in the August 20, 2004 *Federal Register*. Landstar commends FMCSA for initiating this wide ranging evaluation of motor carrier safety regulation.

The Landstar motor carriers and multi-modal entities constitute one of the Nation's largest transportation organizations with total annual revenue for 2003 in excess of \$1.5 billion. Landstar describes itself and is known by others in the transportation community as a "safety-first" transportation provider. It is now and has for many years been fully committed to the goal of improving highway safety. Where appropriate, Landstar has partnered with FMCSA to promote particular safety programs, such as "Click It or Ticket."

As a responsible member of the transportation community, Landstar is very much interested in having in place a system which does all it can to promote highway safety among all commercial entities, which rewards those carriers which achieve high levels of safety, and which treats all entities fairly. The analysis which FMCSA has proposed in its notice is clearly a long-term undertaking. We are submitting these comments now to reflect Landstar's interest in this topic and to support of FMCSA in its efforts. FMCSA's notice requests comments on any number of broad issues. Rather than try to comment comprehensively at this early stage of this important undertaking, Landstar is here setting out some preliminary thoughts in an effort to provide FMCSA with some views which may perhaps differ from those it has already considered. As FMCSA moves forward in its analysis and presents more specific proposals, we will continue to offer our further comments as appropriate.

In today's world of transportation, safety is of concern to many, not just to FMCSA regulated entities. Landstar understands FMCSA is constrained by limited resources. The agency should keep in mind that it is not alone in its focus on safety; there are many others in the industry interested in and to some extent who "regulate" safety. Perhaps in its analysis FMCSA can

focus thinking on a synergistic approach to safety, rather than shouldering the entire safety burden.

For example, although several of the Landstar entities are FMCSA-registered motor carriers obligated to comply with FMCSRs by reason of their "carrier" status, they also hold broker registration. In their broker capacity, they arrange for transportation which is actually performed by other, non-Landstar affiliated motor carriers. As a part of its own operating strategy, Landstar has established its own internal procedures to "qualify" for safety purposes those carriers which it hires when arranging transportation. In part, Landstar relies on FMCSA's safety ratings, but for "conditional" and "unrated" carriers, Landstar undertakes its own independent investigation to identify what it believes a carrier's propensity to operate safely and comply with FMCSA rules. In some instances, this may even involve a visit by Landstar personnel to a carrier's location to judge its safety qualifications. We believe other responsible organizations in the industry follow somewhat similar practices.

Similarly, from discussions with insurance companies which write auto liability coverage - including the mandatory minimum levels required by FMCSA rules - we believe that insurers active in the trucking market also make their own independent efforts to qualify a carrier's safety propensity in terms of rating the risk posed by each individual carrier. That rating is reflected to some extent in premium levels.

We believe to a lesser extent that some larger shippers also seek to qualify a carrier as to safety through some sort of investigation of carrier practices, beyond just requesting evidence of a "satisfactory" safety rating.

While each of these entities directly or indirectly involved in actual transportation may look at "safety" according to slightly different criteria, their end goal is the same: identifying those carriers which by readily observable criteria are reasonably likely to perform safely and those which aren't. They do this in part because of their interest in being responsible corporate citizens and in part because "safety" saves dollars, whether in insurance premiums, claims, costs associated with workers, and damage to business caused by poor safety.

Statistics released periodically - as well as what we believe is "conventional wisdom" within the carrier community - suggest the number of motor carriers is vast and the likelihood of an FMCSA safety compliance review is slim. For the most part (judging by enforcement decisions released by FMCSA on the DMS site), monetary penalties are generally low, and often imposed only after proceedings which in some cases last many years.

To address the problem of too many carriers and too few enforcement personnel and procedural limitations in bringing enforcement cases promptly to an end, it may be that FMCSA will need to explore ways in which it can "partner" with others in the industry also committed to safety to work together to multiply its enforcement efforts.

FMCSA operates under the statutory directive of the Motor Carrier Safety Improvement Act that "safety is the highest priority," but by recognizing that others in the industry are also interested in safety - even if only for their own pecuniary benefit - FMCSA may be able to

marshal the safety interests of others effectively to multiply its own resources. This may be a concept which has not yet received serious attention - it was not mentioned in the *Federal Register* notice - but it may be worth exploring.

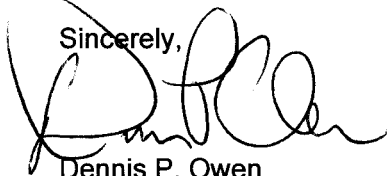
To that end, even though it is important that all rules apply to all carriers equally, perhaps FMCSA needs to consider that not all carriers are the same. Landstar devotes substantial time, effort, and money to safety-related programs, including not only everyday compliance, but also a complete management system which we believe is proactive in addressing safety concerns and practices of today and those which will be important tomorrow. We cannot speak for others, but we believe many other larger carriers also have reasonably sophisticated safety programs. We do believe that a sophisticated safety management program coupled with strong compliance efforts using modern - and expensive - electronic data systems makes Landstar generally a safer organization than are many smaller carriers, often operating on a shoestring budget, which simply don't have the same resources available for safety. We believe FMCSA in its future safety planning should take into account the vastly different safety propensities of many larger carriers, once those carriers have demonstrated their financial and management commitment to safety. Perhaps it can design future policies taking these differences into account.

Landstar believes that offering tangible benefits to carriers whose performance improves safety may offer FMCSA a means to provide incentive to carriers who more carefully consider their safety management practices. An example of this are the highway bypass programs that allow "safe" carriers the opportunity to bypass inspection, thus improving carrier and operator productivity, lowering operating costs and improving service to their client base. Landstar is supportive of identifying other opportunities to provide incentive to carriers to operate safely who may otherwise take their chances that are the limited FMCSA resources will not identify their deficiencies.

While Landstar understands FMCSA is constrained by limited resources, it may still be appropriate to expand its efforts into some new areas. In particular, we suggest FMCSA consider enhancing safety oversight of individual CDL operators. Landstar's internal policies include a procedure to undertake a careful evaluation of the motor vehicle driving records and history of potential new Landstar operators, and feedback we receive suggests other carriers are focusing on driver history as well, since such history is a good predictor of future safety performance. Some recent FMCSA actions relating to prior carriers providing driver history to new employers is a step in that direction, but perhaps greater emphasis on individual operator history would make it easier to weed out the unsafe drivers.

We hope these preliminary comments are helpful to FMCSA as it begins its analysis. We will watch closely for future FMCSA announcements in this area and will comment further when more specific proposals are placed on the table.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Owen", written over the word "Sincerely,".

Dennis P. Owen  
Vice President and General Counsel

DPO/kap

and Indian tribes to identify designated/restricted highway routes and restrictions or limitations affecting how motor carriers may transport certain hazardous materials on the highway. The **Federal Register** notice announcing a 60-day comment period on this information collection was published on April 13, 2004 (69 FR 19610). We are required to send ICRs to OMB under the Paperwork Reduction Act.

**DATES:** Please submit comments by September 20, 2004.

**ADDRESSES:** Mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590, or submit electronically at <http://dmses.dot.gov/submit>. Be sure to include the docket number appearing in the heading of this document on your comment. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you would like to be notified when your comment is received, you must include a self-addressed, stamped postcard or you may print the acknowledgment page that appears after submitting comments electronically.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael Johnsen (202-366-4111), Hazardous Materials Division (MC-ECH), Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4 p.m., EST., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

*Title:* Transportation of Hazardous Materials; Highway Routing.

*OMB Control Number:* 2126-0014.

*Background:* The data for the Transportation of Hazardous Materials; Highway Routing designations are collected under authority of 49 U.S.C. 5112 and 5125. That authority places responsibility on the Secretary of Transportation (Secretary) to specify and regulate standards for establishing, maintaining, and enforcing routing designations.

Under 49 CFR 397.73, the Administrator has the authority to request that each State and Indian tribe, through its routing agency, provide information identifying hazardous materials routing designations within their respective jurisdictions. That information is collected and consolidated by the FMCSA and published annually in whole, or as updates, in the **Federal Register**.

*Respondents:* The reporting burden is shared by the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, Northern Marianas, and the Virgin Islands.

*Average Burden Per Response:* 15 minutes.

*Estimated Total Annual Burden:* The annual reporting burden is estimated to be 13 hours, calculated as follows: (53 respondents × 1 response × 15 minutes/60 minutes = 13.25 hours, rounded to 13 hours).

*Authority:* The Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended; 49 U.S.C. 5112 and 5125; and 49 CFR 1.73 and 397.73.

Issued on: August 10, 2004.

Annette M. Sandberg,  
Administrator.

[FR Doc. 04-19156 Filed 8-19-04; 8:45 am]  
BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2004-18898 and FMCSA-1998-3639]

### Comprehensive Safety Analysis 2010 Initiative

**AGENCY:** Federal Motor Carrier Safety Administration.

**ACTION:** Notice of Public Listening Sessions.

**SUMMARY:** The Federal Motor Carrier Safety Administration (FMCSA) announces a series of Public Listening Sessions to solicit input on ways the FMCSA can improve its process of monitoring and assessing the safety of the motor carrier industry and how that information should be presented to the public. FMCSA is calling this effort the Comprehensive Safety Analysis 2010 Initiative. Through its current compliance review process, FMCSA is able to conduct compliance reviews on only a small percentage of the 675,000 active interstate motor carriers. The FMCSA is looking for ways to improve monitoring of motor carriers, to make agency processes more efficient, and to expand its enforcement and compliance reach in the regulated community in order to improve FMCSA's ability to meet its goal of significantly reducing crashes, fatalities, and injuries involving large trucks and buses.

*Dates and Locations:* The Public Listening Sessions will be held from 9 a.m. until 4 p.m. on the following dates at the following locations:

Session 1: September 21, 2004—Doubletree Hotel, Mission Valley, 7450

Hazard Center Drive, San Diego, California.

Session 2: September 28, 2004—Sheraton Atlanta, 165 Courtland Street at International Blvd, Atlanta, Georgia.

Session 3: October 5, 2004—Hampton Inn & Suites Dallas/Mesquite, 1700 Rodeo Drive, Mesquite, Texas.

Session 4: October 12, 2004—Wyndham Chicago, 633 North St. Clair, Chicago, IL.

Session 5: October 19, 2004—Fairview Park Marriot, 3111 Fairview Park Drive, Falls Church, VA.

Session 6: October 26, 2004—Sheraton Springfield, One Monarch Place, Springfield, MA.

Registration for each session will be limited. For more information or to register to attend or speak at the Public Listening Sessions, see **FOR FURTHER INFORMATION CONTACT** below.

**ADDRESSES:** You may also submit written comments identified by DOT DMS Docket Number FMCSA-2004-18898 and FMCSA-1998-3639 by any of the following methods:

*Web site:* <http://dms.dot.gov>. Follow the instructions for submitting comments on the DOT electronic docket site.

*Fax:* 1-(202)-493-2251.

*Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL-401, Washington, DC 20590-0001.

*Hand Delivery:* Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must include the agency name and docket number for this proceeding. Note that all comments received will be posted without change to <http://dms.dot.gov>, including any personal information provided. Please see the Privacy Act heading for further information.

*Docket:* For access to the docket to read background documents or comments received, go to <http://dms.dot.gov> at any time or to Room PL-401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register**

published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit <http://dms.dot.gov>.

**FOR FURTHER INFORMATION CONTACT:** To register to attend a Public Listening Session, please follow one of two methods:

(a) Go online to: <http://www.Acteva.com/go/FMCSA> and fill in the necessary information. You will be asked for information such as your name, title, organization, mailing address and which session you wish to attend; or

(b) Telephone Touchstone Consulting, Inc. in Washington, DC at (202) 449–7354 and a person will register you over the phone.

Please note that registration for the Public Listening Sessions will open at 9 a.m. EDT on August 30, 2004 and will end at 5 p.m. EDT on the Tuesday preceding each session. For example, registration for the October 26, 2004 Public Listening Session will close 5 p.m. EDT Tuesday October 19, 2004.

Registration at each Public Listening Session will be limited to the first people to sign up. You will be asked for identification at the welcome table at the event. Lunch will be served.

All attendees will be encouraged to participate during the Public Listening Session discussion periods.

For general information about this initiative, contact Mr. William Quade, (202) 366–2172, FMCSA, Office of Enforcement and Compliance, 400 Seventh Street, SW., Room 8310, Washington, DC 20590 or at [William.quade@fmcsa.dot.gov](mailto:William.quade@fmcsa.dot.gov).

**SUPPLEMENTARY INFORMATION:** FMCSA is reviewing its process for monitoring and assessing the safety of the motor carrier industry. FMCSA would like its safety oversight process to reflect a proactive, research-based, legally supportable, comprehensive approach to improving commercial motor vehicle safety—one that maximizes use of FMCSA resources including information systems and technology, reduces high-risk behavior in the motor carrier industry, and enhances FMCSA's ability to meet its goal of significantly reducing crashes, fatalities, and injuries involving large trucks and buses. Although the current process reflects these attributes, the agency recognizes the limitations of the process and wants to address them.

To that end, FMCSA is holding six Public Listening Sessions to solicit ideas and feedback from its stakeholders and all interested parties, including the industry, drivers, insurance groups, safety advocacy groups, and FMCSA's governmental partners, especially States, concerning how FMCSA might

improve its process of monitoring and assessing the safety of the motor carrier industry. The Public Listening Sessions will be arranged and facilitated by a FMCSA contractor.

### Background

The compliance review (CR) is the centerpiece of FMCSA's current oversight program and is an effective tool for saving lives and assessing a carrier's safety condition. FMCSA's current CR program uses adherence to Federal laws and regulations as the primary indicator of the safety posture of a motor carrier. This tool focuses on motor carriers and renders safety fitness determinations in accordance with Congressional mandates expressed in 49 U.S.C. 31144, Safety fitness of owners and operators (requirement for safety fitness determination of owners and operators of commercial motor vehicles). While FMCSA determines, to a limited extent, the compliance and safety of commercial motor vehicle (CMV) drivers and pursues enforcement against them, if warranted, the safety fitness of individual CMV drivers is not evaluated by current FMCSA systems. Also, because the CR relies on the USDOT number as a unique identifier, safety fitness assessments do not track the individuals within a motor carrier responsible for safety such as CMV drivers, corporate officers, partners, or safety directors.

### Impetus for Change

Since the Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Pub. L. 106–159, 13 Stat. 1748) created FMCSA as an independent DOT modal agency, the motor carrier population has increased steadily. At the same time, FMCSA's programmatic responsibilities have also increased with:

- Implementation of Congressional mandates such as the New Entrant Program (Section 210 of MCSIA);
- Preparing for the opening of the border with Mexico; and
- Taking an increased role in ensuring transportation security.

FMCSA's existing compliance and safety programs improve and promote safety performance. However, despite increases in regulated population and programmatic responsibilities, resources for these efforts remain relatively constant. This flattening of resources renders it difficult for existing programs, and the information systems that support these programs, to maintain prolonged and sustained improvements to motor carrier safety.

In its present structure, FMCSA's CR program is resource intensive and reaches only a small percentage of

motor carriers. On-site CRs take one safety investigator an average of 3 to 4 days to complete so, at present staffing levels, FMCSA can perform CRs on only a small portion of the 675,000 active interstate motor carriers. In addition, the current CR program does not easily reflect the impact that people involved in the carrier's operation, such as managers, owners, and drivers operators, have on safety. Delayed, incomplete, and inaccurate data impede efforts to establish a performance-based, automated, data-driven process for improving safety performance. These limitations have caused FMCSA to explore ways to improve its safety oversight process.

### *The Public Listening Sessions Seek Stakeholder Input*

FMCSA has developed a preliminary list of ideal attributes and basic components that FMCSA believes should be part of any model for FMCSA's oversight of the industry:

- *Flexible—Adaptable to Changing Environment.*
- *Efficient—Maximize Use of Resources.*
- *Effective—Improve Safety Performance.*
- *Innovative—Leverage Data and Technology.*
- *Equitable—Fair and Unbiased.*

During the Public Listening Sessions FMCSA will explain its processes and research to date, and describe the attributes and components the Agency believes are appropriate underpinnings to evaluate safety fitness. FMCSA will accept comments on the desired state of safety compliance in the industry, the suitability of the preliminary list of attributes and components, and the information, processes, and strategies FMCSA should consider for a new approach to safety analyses.

The Public Listening Sessions will include a morning plenary session and up to four facilitated afternoon breakout sessions. The participants will be invited to discuss, among other things, the following:

1. How effective is FMCSA's current compliance review process? What is working now? Not working?
2. What alternative methods should FMCSA consider for determining carrier safety fitness and for addressing unsafe behaviors?
3. What should be the focus of FMCSA's safety analysis process? Motor carriers? Drivers? Owners? Other people or entities associated with safety?
4. Should FMCSA present its safety evaluations to the public? How?

5. What should be the key attributes of a program to assess motor carrier safety?

6. How should safety be measured? This measurement may be used to focus FMCSA resources and to assess safety under 49 U.S.C. 31144, Safety fitness of owners and operators.

A. Which data elements (crashes, inspection results, violations, financial condition) are the best indicators of safe (or unsafe) operations? Are there other important safety indicators we currently overlook?

B. How should FMCSA consider historical data when measuring safety?

C. How should FMCSA consider unique characteristics of the operations (hazardous materials, passengers, others) when measuring safety?

7. What compliance and enforcement tools are most effective? Currently FMCSA's interventions include issuing warning letters, issuing civil penalties, and placing motor carriers out-of-service.

A. What types of interventions are most effective?

B. How should FMCSA use history and characteristics of the motor carrier's operations in determining which intervention is appropriate?

#### Effect on Other Regulations

FMCSA is conducting a related rulemaking proceeding (RIN AA37; Docket No. FMCSA-1998-3639) to examine the Safety Fitness Procedures the agency uses to rate motor carriers. An Advance Notice of Proposed Rulemaking was published for this docket in 1998 (63 FR 38788; July 20, 1998). These listening sessions are broader in scope than the Safety Fitness Procedures, because they relate to FMCSA's entire compliance review and safety analysis process, FMCSA does anticipate that some of the comments at the listening session or comments to the docket may contain information relevant to the Safety Fitness Procedures proceeding. Therefore, FMCSA will be adding all comments made during the listening sessions and comments made to this docket to Docket No. FMCSA-1998-3639 for RIN 2126-AA37. FMCSA anticipates publishing a subsequent rulemaking notice under RIN 2126-AA37 following analysis of the listening sessions and decisions on FMCSA's long-term plan for monitoring motor carrier safety.

Issued on: August 18, 2004.

**Warren E. Hoemann,**  
Deputy Administrator.

[FR Doc. 04-19239 Filed 8-18-04; 2:16 pm]

BILLING CODE 4910-EX-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34528]

#### Indiana Boxcar Corporation— Continuance in Control Exemption— Chesapeake & Indiana Railroad Company, Inc.

Indiana Boxcar Corporation (Boxcar) has filed a verified notice of exemption to continue in control of Chesapeake & Indiana Railroad Company, Inc. (Chesapeake), upon Chesapeake's becoming a Class III rail carrier.

The transaction was expected to be consummated on July 29, 2004.

This transaction is related to the concurrently filed verified notice of exemption in STB Finance Docket No. 34529, *Chesapeake & Indiana Railroad Company, Inc.—Operation Exemption—The Town of North Judson, IN*. In that proceeding, Chesapeake seeks to operate 32.97 miles of track extending from Wellsboro, milepost 15.2, to LaCrosse, milepost 0.6, in LaPorte County, IN, and from Malden, milepost 230.9 through LaCrosse, to North Judson, milepost 212.5, in Porter and Starke Counties, IN, which is owned by the Town of North Judson.

Boxcar currently controls one Class III rail carrier, the Vermillion Valley Railroad Company, Inc., operating in Vermillion and Warren Counties, IN.

Under 49 CFR 1180.2(d)(2), a continuance in control transaction is exempt if: (1) The railroads do not connect with each other or any railroad in their corporate family; (2) the continuance in control is not part of a series of anticipated transactions that would connect the railroads with each other or any railroad in their corporate family; and (3) the transaction does not involve a Class I carrier. There are no Class I carriers involved in this transaction and Boxcar states that the railroads do not connect with each other and there are no plans to acquire additional rail lines for the purpose of making such a connection. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323.

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under sections 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here, because all of the carriers involved are Class III carriers.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34528, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on John D. Heffner, 1920 N Street, NW., Suite 800, Washington, DC 20036.

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Dated: August 16, 2004.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
Secretary.

[FR Doc. 04-19126 Filed 8-19-04; 8:45 am]

BILLING CODE 4915-01-P

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Finance Docket No. 34529]

#### Chesapeake & Indiana Railroad Company, Inc.—Operation Exemption—The Town of North Judson, IN

Chesapeake & Indiana Railroad Company, Inc. (Chesapeake), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to operate, pursuant to an unexecuted agreement under negotiation with the Town of North Judson, IN, 32.97 miles of track extending from Wellsboro, milepost 15.2, to LaCrosse, milepost 0.6, in LaPorte County, IN, and from Malden, milepost 230.9, through LaCrosse, to North Judson, milepost 212.5, in Porter and Starke Counties, IN.

The transaction was scheduled to be consummated on or after July 29, 2004.

This transaction is related to STB Finance Docket No. 34528, *Indiana Boxcar Corporation—Continuance in Control Exemption—Chesapeake & Indiana Railroad Company, Inc.*, wherein Indiana Boxcar Corporation has filed a verified notice of exemption to continue in control of Chesapeake upon its becoming a Class III rail carrier.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.